SOVEREIGNS — TORT LIABILITY FOR MALICIOUSLY PERSUADING SOVEREIGN TO ACT. — The defendant maliciously persuaded a foreign sovereign to interfere with the plaintiff's business within the foreign territorial jurisdiction. *Held*, that the defendant is not liable in tort. *American Banana Co.* v. *United Fruit Co.*, U. S. Sup. Ct., April 26, 1909.

The court lays down the dictum that a sovereign makes lawful, by following, the persuasion addressed to it in its jurisdiction. Likewise the sovereign has been held to render incognizable, by ratifying, the previous trespass of its officer upon a foreign subject. *Buron* v. *Denman*, 2 Exch. 167. For such an "act of state" presents a political question. See 22 HARV. L. REV. 132. So does, possibly, the examination of the causes of such an act. *Cf.* 2 STEPHEN, HIST. CRIM. L. 65. Analogously, the arguments which prevailed with a domestic legislature cannot be inquired into, to upset a statute. *Attorney-General* v. *Williams*, 178 Mass. 330. If, then, the persuasion is not examinable at all, the present case has no need of the fictitious relation back. But the act of one subject towards another through the intervening act of a sovereign does not necessarily bring into question the legality of the intervening act; for, in general, to induce legal action may be tortious. See 20 HARV. L. REV. 261. More particularly, the ordinary case of malicious prosecution presents the situation of tortious persuasion to rightful governmental action; and a foreign malicious prosecution may be actionable. *Castrique* v. *Behrens*, 3 E. & E. 709. On this analogy it would seem that persuasion of a foreign sovereign within its jurisdiction, and all the more if outside, might be the ground of tort liability.

STATES — EFFECT OF GRANT OF CONCURRENT JURISDICTION OVER BOUNDARY RIVERS. — An act of Congress granted to Oregon and Washington concurrent jurisdiction over offenses committed on the Columbia River, whose main channel forms the boundary between the two states. An Oregon statute prohibited fishing with purse nets in the river; while a Washington ordinance provided for the licensing of the use of such nets. A Washington citizen, who had been so licensed, was using the nets on the Washington side of the channel. He was taken by Oregon officials and indicted in an Oregon court under the Oregon statute. *Held*, that Oregon has no jurisdiction. *Nielsen* v. *Oregon*, 212 U. S. 315. See NOTES, p. 599.

TAXATION — WHERE PROPERTY MAY BE TAXED — TAX ON RECEIPTS ISSUED FOR GOODS WAREHOUSED ABROAD. — The plaintiff state sued to recover taxes on whiskey owned by the defendant. The whiskey was in Germany, but the defendant held German warehouse receipts within the jurisdiction of the plaintiff state. Two lower courts held the tax void under the Fourteenth Amendment, since the situs of the whiskey was outside the state. The highest state court sustained the tax as a tax on the receipts. *Held*, that the record presents only the validity of a tax on the whiskey itself; that the warehouse receipts are only mentioned to prove the whiskey domiciled in Kentucky; and hence the tax is void. *Selliger* v. *Commonwealth of Kentucky*, U. S. Sup. Ct., Apr. 5, 1909.

The tax on the whiskey itself was invalid; for, regardless of the common practice existing before the Fourteenth Amendment of taxing at the domicile of the owner personalty situated outside the jurisdiction, the Supreme Court has decided that the Fourteenth Amendment is thereby contravened. *Del., etc., Co.* v. *Pennsylvania*, 198 U. S. 341; *Union Refrigerator Transit Co.* v. *Kentucky*, 199 U. S. 194. Accordingly the plaintiff contended that the situs of the warehouse receipts within the state proved that the whiskey itself was domiciled within the state. This could not be true unless the receipts represented the property. Whether a written instrument is a symbol of property is to be determined by the law of the place of issuing. *Ory* v. *Winter*, 4 Mart. N. S. (La.) 277. Hence the effect of the receipts here was governed by German law, and nothing appeared on the record showing that German law made them symbols of the property. The decision is therefore incontrovertible. However, if the receipts were symbols of property, they should be taxable at their